

Senate Bill No. 1242

CHAPTER 789

An act to amend Section 18.5 of the Penal Code, relating to sentencing.

[Approved by Governor September 28, 2016. Filed with
Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1242, Lara. Sentencing: misdemeanors.

Existing law provides that every offense punishable by imprisonment in a county jail up to or not exceeding one year is punishable by imprisonment in the county jail for a period not to exceed 364 days.

This bill would make that provision retroactive, whether or not the case was final on January 1, 2015. The bill would also authorize a person who was sentenced to a term of one year prior to January 1, 2015, to submit an application before the trial court that entered the judgment of conviction in the case to have the term of the sentence modified to the maximum term of 364 days.

The people of the State of California do enact as follows:

SECTION 1. Section 18.5 of the Penal Code is amended to read:

18.5. (a) Every offense which is prescribed by any law of the state to be punishable by imprisonment in a county jail up to or not exceeding one year shall be punishable by imprisonment in a county jail for a period not to exceed 364 days. This section shall apply retroactively, whether or not the case was final as of January 1, 2015.

(b) A person who was sentenced to a term of one year in county jail prior to January 1, 2015, may submit an application before the trial court that entered the judgment of conviction in the case to have the term of the sentence modified to the maximum term specified in subdivision (a).